

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Bruce C. Johnson	
Serial No.	: 08/615,814	
Filed	: March 14, 1996	Group Art Unit: 3312
For	: NASAL DILATOR	Examiner: K. Asher
Docket No.	: C348.12-0011	

**PETITION FOR ONE-MONTH EXTENSION OF  
TIME AND FEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

I CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL,  
FIRST CLASS, TO THE ASSISTANT COMMISSIONER OF  
PATENTS, WASHINGTON, D.C. 20231, THIS 19<sup>th</sup> DAY OF

May 1997  
T.F. Neils  
PATENT ATTORNEY

Sir:

Pursuant to 37 CFR 1.136(a), Applicant petitions for a one-month extension of time to respond to the Office Action dated February 13, 1997. Enclosed is a check in the amount of \$55.00 to cover the fee for the extension of time. If an additional extension of time is required, please consider this a petition therefor.

The Commissioner is authorized to charge any additional fees associated with this

Repln. Ref: 08/04/1997 OHAYES 1: 0015324700  
DAH:110982 Name/Number: 08874781  
FC: 701 \$65.00 CR  
for Extension of Time is enclosed.

Respectfully submitted,

KINNEY & LANGE, P.A.

By:

T.F. Neils  
Theodore F. Neils, Reg. No. 26,316  
Suite 1500  
625 Fourth Avenue South  
Minneapolis, MN 55415-1659  
Phone: (612) 339-1863 Fax: (612) 339-6580

TFN:nab  
May 19, 1997



06/13/97

505-201

A/pwc

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bruce C. Johnson

Filed : Herewith

Continuing File Wrapper From:

Serial No. : 08/615,814

Filed : March 14, 1996

For : NASAL DILATOR

Docket No. : C348.12-0013

GROUP ART UNIT: 3312

EXAMINER: K. Asher

**CERTIFICATE OF EXPRESS MAILING  
CONTINUING APPLICATION UNDER 37 CFR § 1.62**

"Express Mail" mailing label number: TB 808 295 312 US

Date of Deposit: **June 13, 1997**

I certify that the following paper(s) and/or fee(s) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on June 13, 1997, addressed to Box FWC, Assistant Commissioner for Patents, Washington, D.C. 20231:

1. Our check in the amount of \$505.00
2. Request for Filing a Continuing Application Under 37 CFR § 1.62 (in duplicate);
3. Copy of Petition for One-Month Extension of Time filed in previous application.

Respectfully submitted,

KINNEY &amp; LANGE, P.A.

By: 

Theodore F. Neils, Reg. No. 26,316

Suite 1500

625 Fourth Avenue South

Minneapolis, MN 55415-1659

Phone: (612) 339-1863 Fax: (612) 339-6580

TFN:nab

June 13, 1997

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Bruce C. Johnson	Prior Application
Filed	: Herewith	Group Art Unit: 3312
For	: NASAL DILATOR	Examiner: K. Asher
Docket No.	: C348.12-0013	

Anticipated Classification of this Application  
Class 128 Subclass

**REQUEST FOR FILING A CONTINUING APPLICATION  
UNDER 37 CFR § 1.62**

Box FWC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation-in-part ☒ **continuation** ☐ divisional application under 37 CFR § 1.62, of pending prior application Serial Number 08/615,814, filed on March 14, 1996, which is a continuation of Serial No. 08/183,916, which is a continuation of Application Serial No. 048,589, filed April 16, 1993, which is a continuation of Application Serial No. 07/884,626, filed May 15, 1992, which is a continuation of Application Serial No. 07/712,508, filed June 10, 1991 of Bruce C. Johnson for NASAL DILATOR.

The above-identified prior application in which no payment of the Issue Fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

The inventors in this application are: Bruce C. Johnson

1.      Enter the Amendment previously filed on            under 37 CFR § 1.116, but unentered, in the prior application.

2. A Preliminary Amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
3. X Amend the specification by inserting this paragraph before the section entitled BACKGROUND OF THE INVENTION: --This is a continuation of application Serial No. 08/615,814, filed March 14, 1996 which is a continuation of Application Serial No. 08/183,916, filed January 19, 1994 which is a continuation of 08/048,589, filed April 16, 1993 which is a continuation of Application Serial No. 07/884,626, filed May 15, 1992 which is a continuation of Application Serial No. 07/712,508, filed June 10, 1991-- Priority of the prior application is claimed pursuant to 35 USC § 120.
4. X Small Entity status under 37 CFR §§ 1.9 and 1.27 has been established by a verified statement submitted in the prior application and such status is still proper and desired. 37 CFR § 1.28(a).
5. X The filing fee and the fee for any claims added by Amendment are calculated below on the basis of the claims existing in the prior application as amended at 1 and 2 above:

CLAIMS AS FILED IN THE PRIOR APPLICATION, ADJUSTED FOR  
ANY CLAIMS ADDED OR CANCELLED BY AMENDMENT ABOVE

	NO. FILED	NO. EXTRA		RATE SMALL ENTITY	
Total Claims =	16	0	<u>X</u>	\$ 00	\$
Ind. Claims =	6	3	<u>X</u>	\$120	\$
Basic Fee =				\$385	\$
Total Filing Fee =					\$505

6. X Method of payment:
- a. — Please charge Deposit Account No. 11-0982 in the amount of \$\_\_\_\_. This sheet is submitted in triplicate.
- b. x A check in the amount of \$505.00 to cover the filing fee is enclosed.
7. X The Commissioner is hereby authorized to charge any patent application processing or filing fees under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any

overpayment to Deposit Account No. 11-0982. A duplicate copy of this sheet is enclosed.

8. Priority of application Serial No. , filed on , in , is claimed under 35 USC §119. The certified copy was filed on .

9. X The prior application is assigned of record to: Creative Integration & Design, Inc.

10. The Power of Attorney in the prior application is to:

The Power of Attorney in the prior application is to Robert M. Angus, Reg. No. 24,383; Michael R. Binzak, Reg. No. 38,081; Michael A. Bondi, Reg. No. 39,616; Gena M. Chapman, Reg. No. 39,627; Timothy A. Czaja, Reg. No. 39,649; David R. Fairbairn, Reg. No. 26,047; Philip F. Fox, Reg. No. 38,142; Paul S. Grunzweig, Reg. No. 37,143; Jeff A. Holmen, Reg. No. 38,492; Paul P. Kempf, Reg. No. 39,727; Theodore M. Magee, Reg. No. 39,627; Matthew M. McNutt, Reg. No. 39,766; Theodore F. Neils, Reg. No. 26,316; Todd A. Rathe, Reg. No. 38,276; Z. Peter Sawicki, Reg. No. 30,214; Jeffrey D. Shewchuk, Reg. No. 37,235; John M. Weyrauch, Reg. No. 37,258; and James L. Young, Reg. No. 30,514, whose address is Kinney & Lange, P.A., Suite 1500, 625 Fourth Avenue South, Minneapolis, Minnesota 55415-1659.

10a. ☐ The power appears in the original papers in the prior application.

10b. ☒ Address all future communications to: **Theodore F. Neils**, Kinney & Lange, P.A., Suite 1500, 625 Fourth Avenue South, Minneapolis, Minnesota 55415-1659, whose telephone number is (612) 339-1863.

10c. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

10d. ☐ An Associate Power of Attorney is enclosed.

11. The inventor(s) in this application:

a. X are the same as those named in the prior application.

b. do not include all those named in the prior application and it is requested that the following person(s) identified in the prior application be deleted:

12. A new Oath or Declaration is included since this application is a application which discloses and claims additional matter and/or adds additional inventors.
13. X A petition, fee and response has been filed to extend the term of the prior application to June 13, 1997 , a copy of that petition is attached.
14. \_ A conditional petition is being filed to extend the term of the prior application, a copy of the petition is attached.
15. \_ An Information Disclosure Statement is enclosed.

It is understood that secrecy under 35 USC § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper or a 37 CFR § 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Respectfully submitted,

KINNEY & LANGE, P.A.

By: 

Theodore F. Neils, Reg. No. 26,316

Suite 1500

625 Fourth Avenue South

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Phone: (612) 339-1863 Fax: (612) 339-6580

TFN:nab

June 13, 1997